

US-56 Gap Analysis

Johnson County, Kansas

Zoning and Subdivision Regulations

ZONING AND SUBDIVISION REGULATIONS	
Article 1: General Provisions, Zoning and Subdivision Regulations Section 4. Purposes	Consider amending this section to add a new subsection stating an additional purpose of implementing the Comprehensive Plan and any adopted area or corridor plan.
Article 3: Responsible Authorities and Administrative Duties Section 5. Board of Zoning Appeals F. Authority 2.	Consider amending this section by adding at the end of the first sentence a requirement that any variance granted be consistent with the Comprehensive Plan and any adopted area or corridor plan.
Section 5. Board of Zoning Appeals F. Authority 2.	Consider amending this section to also provide that granting the variance desired will not be inconsistent with the County Comprehensive Plan or any adopted area or corridor plan.
Article 4: Application Procedures for Rezoning, Conditional Use Permits, Development Plan Approvals or Subdivision Approvals, and Amendments to the Zoning or Subdivision Regulations Section 2. Procedures for Consideration of Requests for Rezoning, Conditional Use Permit, Development Plan Approval, Subdivision Plat Approval or Amendment to the Regulations: B. Hearing and Notice Requirements 4.	Consider amending this subsection to provide that for applications that are deemed to have the potential to have an impact on development within the Corridor, KDOT will be mailed notice of the hearing on the application at least 10 days prior to the hearing.
Section 2. Procedures for Consideration of a Request for a Rezoning, Conditional Use Permit, Development Plan Approval, Subdivision Plat Approval, or Amendment to the Regulations. C. Action by the Planning Commission or Zoning Boards	Consider amending this section to specify that the recommendation of the Planning Commission may be to recommend conditional approval of the application.

<p>Section 2. Procedures for Consideration of a Request for a Rezoning, Conditional Use Permit, Development Plan Approval, Subdivision Plat Approval, or Amendment to the Regulations. D. Action by Board of County Commissioners.1.a.</p>	<p>Consider amending this section to specify that the Board of County Commissioners may conditionally approve the application.</p>
<p>Article 5: Permits Section 2. Zoning Permit. C. Zoning Permit Review</p>	<p>Consider amending this section to provide that the zoning administrator may conditionally approve a zoning permit.</p>
<p>Article 6:</p>	<p>Consider revising title to Enforcement, Violations, Penalties and Appeals and adding new section 7 entitled "Appeals," as follows:</p> <p>Appeals.</p> <p>A. Procedure for appeals from the effect of the requirements in this Chapter.</p> <p>1. An appeal to the County Commission may be taken by any applicant aggrieved by any decision of the County requiring the applicant to conform a proposed development to the requirements of this Article and who alleges that the final decision of the County constitutes a "taking" without just compensation under the 5th Amendment to the United States Constitution or under the Kansas Constitution. On appeal, the burden will be on the appellant to establish, by the preponderance of the evidence:</p> <p>a. with respect to a requirement, which is imposed as a condition of approval of the development application, that the applicant convey to the County an interest in land:</p> <p>(1) that there is not an essential nexus between the challenged requirement and the public purposes sought to be achieved by the challenged requirement, or</p> <p>(2) that, through an individualized determination, the challenged condition is not roughly proportionate both in nature and extent to the impact of the development proposed in the development application; and</p> <p>b. with respect to other requirements</p>

	<p>imposed by this Chapter, that:</p> <ol style="list-style-type: none"><li data-bbox="906 247 1435 352">(1) the requirements result in a denial of all beneficial economic or productive use of the property; or<li data-bbox="906 373 1435 510">(2) the requirements constitute a permanent physical occupation or invasion of the applicants property; or<li data-bbox="906 531 1435 1877">(3) the burden that the requirement places on the applicant is greater than the benefit that the requirement confers on the general public, considering all of the following and any other relevant factor: (a) the temporal relationship between the effective date of the ordinance and the date the applicant (or if the applicant is not the landowner, the date the landowner) acquired the property that is the subject of the development application; (b) the degree of interference created by the challenged requirements with the applicant's reasonable investment-backed expectations that the property could be developed free of the impacts of the challenged requirements; (c) whether, and if so the extent to which, the development proposed by the applicant is prejudicial to the health, safety or general welfare of others or constitutes a nuisance or nuisance-like activity; (d) the extent to which the challenged requirements achieve important public purposes; (e) the economic impact of the challenged requirements on the applicant's (or if the applicant is not the landowner, the landowner's) entire parcel and contiguous parcels commonly owned, as determined through a comparison of the value of this ownership without
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	<p>application of the challenged requirements with its value with application of the challenged requirements; and (f) that applicant is not necessarily entitled to the most profitable use of the property.</p> <ol style="list-style-type: none">2. With respect to all appeals made pursuant to this subsection, the person seeking the appeal shall file a written notice of appeal with the County Clerk within 15 days of the date of the final decision from which the appeal is being taken. The notice shall specifically identify the grounds for the appeal and include all other information required by this Section to be submitted with the notice of appeal. If notice in compliance with all requirements of this Section is not timely filed, all rights to appeal the decision are waived.3. The County Clerk, immediately upon receipt of the notice, shall transmit to the County Commission all the papers constituting the record concerning the action from which the appeal is taken.4. A properly effectuated appeal shall stay all proceedings in furtherance of the action from which the appeal is taken.5. The County Commission shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as written notice to all interested parties.6. The County Commission, after considering all evidence presented by the applicant in support of the appeal and any evidence presented by the County in rebuttal or otherwise presented in relation to the appeal, shall render a written decision in the form of findings of fact and conclusions of law. If the County Commission determines that applicant has not met the requisite burden of proof, it shall affirm, wholly or partly, the decision from which the appeal was taken. If the County Commission determines that the applicant has met the requisite burden of proof, it may reverse or modify the decision from which the appeal was taken and make a decision respecting development application as it determines is appropriate and in conformity with all applicable
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	laws. In making this new decision, the County Commission may attach any condition it deems necessary to further the purposes of this Chapter.
Article 7: Establishment of Zoning Districts Section 5. Special Overlay Districts and Overlay Zones	Consider enacting overlay districts at critical locations along the Corridor, particularly where the Corridor Management Plan indicates high intensity development will locate. See Section I.B.2.b., Implementation Chapter of the US-56 Corridor Management Plan.
Article 11: Planned Zoning Districts General Requirements Section 2. Statement of Objectives	Consider adding a new K. to protect land shown as right-of-way for streets, roads and highways in the County Comprehensive Plan and any adopted area or corridor plan. Consider adding a new L. to ensure implementation of the Comprehensive Plan and any adopted area or corridor plan.
Article 12: Planned Residential Districts Section 5. Planned Residential. E. Height, Area and Bulk Regulations. 2. Yard Regulations. Section 6. Planned Residential Manufactured Home Park District. D. Height, Area and Bulk Regulations. 2.	Consider amending a. and b. specifying that side and front yard setback lines shall not be less than setbacks required to protect projected rights-of-way for US-56. Consider amending a. and b. specifying that side and front yard setback lines shall not be less than setbacks required to protect projected rights-of-way for US-56.
Article 13: Planned Retail Business Districts Section 2. Planned Limited Retail Business District. D. Height, Area and Bulk Regulations. 2. and 3. Section 2. Planned Limited Retail Business District. J. Development Standards. 3. Access Section 3. Planned Rural Retail Business District. D. Height, Area and Bulk Regulations. 2. and 3. Section 3. Planned Rural Retail Business District. J. Development Standards Section 4. Planned Residential Neighborhood Retail Business District. D. Height, Area and Bulk Regulations. 2. and 3.	Consider amending these subsections specifying that side and front yard setback lines shall not be less than setbacks required to protect projected rights-of-way for US-56. Consider amending this subsection to require that driveways onto US-56 shall be consistent with points of access, as shown on the US-56 Corridor Management Plan. Consider amending these subsections specifying that side and front yard setback lines shall not be less than setbacks required to protect projected rights-of-way for US-56. Consider amending this subsection to require that driveways onto US-56 shall be consistent with points of access, as shown on the US-56 Corridor Management Plan. Consider amending these subsections specifying that side and front yard setback lines shall not be less than setbacks required to protect projected rights-of-way for US-56.

<p>Section 4. Planned Residential Neighborhood Retail Business District. J. Development Standards</p> <p>Section 5. Planned Urban Neighborhood Retail Development District. D. Height, Area and Bulk Regulations. 2. and 3.</p> <p>Section 5. Planned Urban Neighborhood district. J. Development Standards</p>	<p>Consider amending this subsection to require that driveways onto US-56 shall be consistent with points of access, as shown on the US-56 Corridor Management Plan.</p> <p>Consider amending these subsections specifying that side and front yard setback lines shall not be less than setbacks required to protect projected rights-of-way for US-56.</p> <p>Consider amending this subsection to require that driveways onto US-56 shall be consistent with points of access, as shown on the US-56 Corridor Management Plan.</p>
<p>Article 14: Planned Employment Center Districts</p> <p>Section 2. Planned Research and Development Park District. G. Development Standards. 4. Access</p> <p>Section 2. Planned Research and Development Park District. G. Development Standards. 5. Height, Area and Bulk Regulations. b. and c. Front and Side Yards</p> <p>Section 3. Planned Research, Development and Office Park District. G. Development Standards. 4. Access</p> <p>Section 3. Planned Research, Development and Office Park District. G. Development Standards. 5. Height, Area and Bulk Regulations. b. and c. Front and Side Yards.</p> <p>Section 4. Planned Research, Development and Light Industrial Park District. G. Development Standards. 4. Access</p>	<p>Consider amending this subsection to require that driveways onto US-56 shall be consistent with points of access, as shown on the US-56 Corridor Management Plan.</p> <p>Consider amending these subsections specifying that side and front yard setback lines shall not be less than setbacks required to protect projected rights-of-way for US-56.</p> <p>Consider amending this subsection to require that driveways onto US-56 shall be consistent with points of access, as shown on the US-56 Corridor Management Plan.</p> <p>Consider amending these subsections specifying that side and front yard setback lines shall not be less than setbacks required to protect projected rights-of-way for US-56.</p> <p>Consider amending this subsection to require that driveways onto US-56 shall be consistent with points of access, as shown on the US-56 Corridor Management Plan.</p>

<p>Section 4. Planned Research, Development and Light Industrial Park District. 5. Height, Area and Bulk Regulations. b. and c. Front Yard and Side Yard</p> <p>Section 5. Planned Industrial Park District. G. Development Standards. 4. Access</p> <p>Section 5. Planned Industrial Park District. G. Development Standards. 5. Height, Area and Bulk Regulations. b. and c.</p>	<p>Consider amending these subsections specifying that side and front yard setback lines shall not be less than setbacks required to protect projected rights-of-way for US-56.</p> <p>Consider amending this subsection to require that driveways onto US-56 shall be consistent with points of access, as shown on the US-56 Corridor Management Plan.</p> <p>Consider amending these subsections specifying that side and front yard setback lines shall not be less than setbacks required to protect projected rights-of-way for US-56.</p>
<p>Article 15: Development Plan Procedures Section 3. Preliminary Development Plan Application Requirements</p> <p>Section 4. Review of Preliminary Plans. B.</p> <p>Section 4. Review of Preliminary Plans. B.</p> <p>Section 6. Final Development Plan Application Requirements</p> <p>Section 11. Development Plan Review Considerations</p>	<p>Consider adding a subsection requiring that right-of-way for US-56 be shown on the preliminary plan, if applicable.</p> <p>Consider adding a new subsection assuring consistency with the County Comprehensive Plan and any adopted area or corridor plan.</p> <p>Also consider specifically providing that the zoning board may conditionally approve.</p> <p>Consider adding a requirement that the final plan contain language specifying that the area covered by the final development plan is part of the area covered by the US-56 Corridor Management Plan. See Section I.C.2., Implementation Chapter of the US-56 Corridor Management Plan.</p> <p>Consider amending A.7. to include a reference to any adopted area or corridor plan.</p>
<p>Article 17: Supplementary Height, Area, and Bulk Regulations Section 5. Front Yards</p> <p>Section 9. Height, Area, Bulk by Zoning District Chart</p>	<p>Consider amending this subsection to ensure that the right-of-way for US-56 is protected.</p> <p>Consider adding a note to this chart ensuring that right-of-way for US-56 will be protected.</p>
<p>Article 19: Off-Street Parking Requirements Section 3. Improvement and Design Requirements. B.</p> <p>Section 3. Improvement and Design Requirements. C.</p>	<p>Consider amending this subsection to specify that driveways onto US-56 shall be consistent with the points of access shown for US-56 on the US-56 Corridor Management Plan.</p> <p>Consider amending this subsection to specify that driveways onto US-56 shall be consistent with the points of access shown for US-56</p>

	on the US-56 Corridor Management Plan.
Article 23: Conditional Use Permits Section 2. General Provisions Section 6. Standards for Conditional Uses. C. Guidelines for Issuance of Conditional Use Permits: (3)	Consider amending the second paragraph by adding at the end of the first sentence an additional requirement that conditions on issuance of conditional use permits may be employed to ensure compliance with any approved area or corridor plan. Consider adding a new subsection providing that the conditional use will not be inconsistent with the County Comprehensive Plan or any adopted area or corridor plan.
Article 25: General Subdivision Provisions Section 2. Purpose	Consider revising the second paragraph to add and to implement the County Comprehensive Plan and any other adopted area and corridor plan as a purpose for the subdivision regulations.
Article 26: Preliminary Plat Analysis Reports, General Guidelines and Plat Review Guidelines Section 3. Preliminary Plat Analysis Report Requirements Section 4. General Plat Review Provisions. D. Highway or Public Road Congestion	Consider adding a new subsection requiring that the report contain an analysis of the extent to which the proposed subdivision will be consistent with the County Comprehensive Plan and any adopted area or corridor plan. Consider revising the first sentence to include the impacts of the subdivision on the recommendations for US-56 contained in the US-56 Corridor Management Plan.
Article 27: Supplementary Subdivision Procedures and Requirements Section 3. Preliminary Plat. B. Preliminary Plat Contents. 2. Section 4. Final Plat. B. Final Plat Contents. 2. Section 4. Final Plat. E. Zoning Board Review and Action Section 5. Plat Exceptions	Consider adding a requirement here that the plat show the rights-of-way for US-56, if applicable. Consider adding a new additional item here providing for notice that the area covered by the final plat is also a portion of the area that is covered by the US-56 Corridor Management Plan. <u>See</u> Section I.C.2, Implementation Chapter of the US-56 Corridor Management Plan. Consider amending the second sentence of the first paragraph allowing the board to approve with conditions in addition to approve or deny. Consider amending the third paragraph to provide that plat exceptions shall not be recommended for approval if they would be inconsistent with the County Comprehensive Plan or any adopted area or corridor plan.
Article 29: Lot Split Provisions Section 5. Minimum Street Frontage Requirements for Lot	Consider adding a note to the list in Section B. requiring that minimum street frontage per driveway on US-56 be consistent with the points of access as shown on the US-56 Corridor Management

Splits	Plan.
Article 30: Minimum Subdivision Standards Section 2. Streets and Driveways	Consider amending 5. to add the County Comprehensive Plan or any adopted area or corridor plan as factors to be considered with respect to right-of-way requirements.
Section 2. Streets and Driveways.	Consider amending 8. to ensure that highway, street and right-of-way improvements are consistent with the recommendations for US-56 and the adjacent street network as set forth in the US-56 Corridor Management Plan.
Section 2. Streets and Driveways. B. Median Break Spacing, Street Intersection Spacing and Street Frontage Required per Business Driveway.	Consider amending 8. to ensure that median break spacing and street intersection spacing improvements are consistent with the recommendations for US-56 and the adjacent street network, as set forth in the US-56 Corridor Management Plan.
Section 2. Streets and Driveways. E. Frontage Roads	Ensure that this section is consistent with the recommendations for US-56 and the adjacent street network, as set forth in the US-56 Corridor Management Plan.
Section 5. Required Improvements. A. General Criteria. 2.	Consider revising this section to add a requirement that utilities and easements therefore shall not be located in any area shown on the US-56 Corridor Management Plan as projected rights-of-way for US-56.
Article 31: Minimum Infrastructure Requirements Section 1. Purpose	Consider amending paragraph 2 to include at the end of the third sentence a reference to implementation of the US-56 Corridor Management Plan or any other adopted area or corridor plan.